

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
JUL 15 2002

In the Matter of

2002 AUG 15 P 3:16  
CASE CLOSURES UNDER  
ENFORCEMENT PRIORITY SYSTEM

**SENSITIVE**

GENERAL COUNSEL'S REPORT

**I. INTRODUCTION**

The cases listed below have been evaluated under the Enforcement Priority System ("EPS") and identified as low priority, stale, or ADR transfers. This report is submitted in order to recommend that the Commission no longer pursue these cases for the reasons noted below.

**II. CASES RECOMMENDED FOR CLOSURE**

**A. Cases Not Warranting Further Action Relative to Other Cases  
Pending Before the Commission**

EPS was created to identify pending cases that, due to the length of their pendency in inactive status, or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditures of resources. Central Enforcement Docket ("CED") evaluates each incoming matter using Commission-approved criteria that result in a numerical rating for each case.

Closing these cases permits the Commission to focus its limited resources on more important cases presently pending in the Enforcement docket. Based upon this review, we have identified cases that do not warrant further action relative to other pending matters. We recommend that all cases be closed.<sup>1</sup> Attachment 1 to this report contains a factual

<sup>1</sup> These cases are: RR02L-03 (15<sup>th</sup> District Democratic Party); MUR 5242 (Michigan Democratic State Central Committee); MUR 5243 (Oberweis for US Senate, Inc.); MUR 5244 (Skorski for Congress); MUR 5250 (NRCC Economic Recovery Workshop); MUR 5254 (Hampden-Sydney College); MUR 5257 (Tom Feeney); and MUR 5258 (Tom Feeney for Congress).

summary of each case recommended for closure, the case EPS rating, and the factors leading to the assignment of a low priority.

### B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources primarily because the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. EPS provides us with the means to identify those cases that, remain unassigned for a significant period due to a lack of staff resources for an effective investigation. The utility of commencing an investigation declines as these types of cases age, until they reach a point when activation of such cases would not be an efficient use of the Commission's resources.

We have identified cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We recommend that cases be closed<sup>3</sup> and one case continued to be held open.<sup>4</sup>

<sup>3</sup> These cases are: MUR 5036 (*National Education Association*); MUR 5037 (*National Education Association*); MUR 5086 (*Federation for American Immigration Reform*); and MUR 5191 (*Democratic State Central Committee*)

<sup>4</sup> MUR 5042 (*DNC Services Corporation*) is closely related to MURs 4530 (*DNC*), 4531 (*DNC*), 4642 (*DNC*), and 4547 (*John Huang*) presently pending before the Commission, and dismissal at this time seems inappropriate.

22-04-406-0292

22.04.406.0293

IV. RECOMMENDATIONS

OGC recommends that the Commission exercise its prosecutorial discretion and close the cases listed below effective two weeks from the day that the Commission votes on the recommendations. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

1. Decline to open a MUR, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letter in:

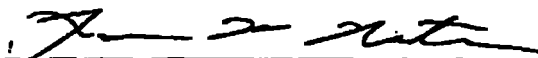
RR02L-03

2. Take no action, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters in:


	MUR 5036	MUR 5037
MUR 5086	MUR 5191	
MUR 5242	MUR 5243	MUR 5244
MUR 5250	MUR 5254	MUR 5257
MUR 5258		

8/15/02

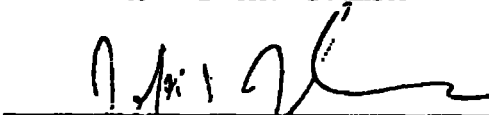
Date



Lawrence H. Norton  
General Counsel



Rhonda J. Vosdinger  
Associate General Counsel



Jeff S. Jordan  
Supervisory Attorney

22.04.406.0294

**MUR 5191**

**Complainant:** Carol L. Peet

**Respondents:** Democratic State Central Committee and Katherine Moret, as Treasurer  
President William Clinton  
Gore/Lieberman Inc. and Jose Villarreal, as Treasurer

**Allegation:** Complainant alleged that the Democratic State Central Committee ("DSCC"), President William Clinton, and Gore/Lieberman, Inc., used information from Immigration and Naturalization Service ("INS") records to contact residents of California through a direct mailing in order to coerce them to vote for Democratic candidates.

**Responses:** President William Clinton and Gore/Lieberman, Inc. and Jose Villarreal, as treasurer, responded that the complaint provided no clear basis for naming them as respondents in this matter for the following reasons: (1) the complaint failed to meet the minimum standard for consideration required by the Commission; (2) there was no evidence that Gore/Lieberman, Inc., had involvement in the matter; and, (3) the complaint failed to demonstrate that President William Clinton took any action that could be considered a violation of federal election law given that he was not a candidate for federal office at the time of the mailings.

The DSCC responded that the Commission lacked jurisdiction over the matter since the complainant failed to allege a violation of the Federal Election Campaign Act. Moreover, the DSCC denied the allegations set forth in the complaint and noted that its mailings were targeted to registered, as opposed to unregistered, voters.

**Date complaint filed:** April 5, 2001

**Date responses received:** Democratic State Central Committee, April 26, 2001; President William Clinton and Gore/Lieberman Inc. and Jose Villarreal, as Treasurer, May 16, 2001.

5620-904-40-22